

REMARKS

Claims 1-33 are pending in the application.

Claims 1-33 have been rejected.

Claims 1-2, 4-11, 15-17, 21-23, 27-29, and 33 have been amended. Support for these amendments can be found, at least, in paragraphs 38 and 43 of the specification.

Formal Matters

In the discussion presented under the heading "Specifications" on pages 2-3 of the Final Office Action mailed December 7, 2006 (hereinafter referred to as "FOA"), the Examiner appears to be suggesting that the previously-presented claim language regarding a "storage unit" and "media" is confusing. Applicants note that no rejection of the claims is presented in this section of FOA.

Nevertheless, in an effort to expedite prosecution, Applicants have amended the claims (Applicants note that this amendment is for clarification purposes only). In particular, claim 1 now recites: a "primary storage device comprises non-removable storage media and is configured to provide access to data stored on the non-removable storage media," and a "secondary storage device comprises removable storage media and is configured to permit access to data stored on the removable storage media." Amended claim 1 thus describes two types of storage devices. One storage device (e.g., a tape drive, optical disc reader, tape library, etc.) includes a removable storage media (e.g., such as a tape or optical disc) upon which data can be stored. The other storage device (e.g., a hard drive) includes a non-removable storage media (e.g., such as a hard disk). Thus, this claim language makes it clear that the removable and non-removable storage media are included in respective storage devices that are each configured to permit access to data stored on the included media.

Rejection of Claims Under 35 U.S.C. § 102

Claims 1-4 and 6 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0153739 naming inventors Trimmer et al. ("Trimmer '39"), which incorporates by reference Patent Publication No. 2004/0034811 naming inventors Trimmer et al. ("Trimmer '11").

Amended claim 1 recites:

a virtual device interface, wherein

said virtual device interface is configured to allow a primary storage device to be accessed using at least one operation that is substantially the same as that used to control a secondary storage device,

said virtual device interface is coupled to control said primary storage device and said secondary storage device,

said primary storage device comprises non-removable storage media and is configured to provide access to data stored on the non-removable storage media, and

said secondary storage device comprises removable storage media and is configured to permit access to data stored on the removable storage media. (emphasis added)

In the FOA, the Examiner states that “host computer #56 can access data in both disk ‘primary’ storages Fig 5: #54 and physical tape ‘secondary’ off site storage.” FOA, p. 4. No other portion of the rejection of claim 1 addresses the emphasized portion of claim 1.

Applicant note that it is irrelevant whether the host computer can access both primary and second storage, since Applicant’s claim is directed to “a virtual interface” that is “coupled to control said primary storage device and said secondary storage device.” The host computer in Trimmer ’39 is clearly not a virtual interface, and thus the host computer’s ability to access various types of storage devices neither teaches nor suggests a virtual interface having such properties. Additionally, any attempt to equate the host computer with the virtual interface would be inconsistent with the Examiner’s position throughout the rest of the rejection, in which the Examiner equates Trimmer ’39’s “virtual tape library (VTL)” with the “virtual device interface” of claim 1.

Applicant further notes none of the cited portions of Trimmer ’39 teach or suggest that the VTL can control a “secondary storage device” like the one described in claim 1. At best, paragraph 14 of Trimmer ’39 mentions “playing back data written to the VTL” to a physical tape from a log. However, there is no disclosure or suggestion in the cited portions of Trimmer ’39 that the VTL can control a physical tape drive.

Thus, the emphasized portion of claim 1 is neither taught nor suggested by the cited portions of Trimmer '39. For at least this reason, claim 1 and dependent claims 2-4 and 6 are patentable over the cited art.

Rejection of Claims Under 35 U.S.C. § 103

Claims 5, 7, and 8-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Trimmer '39, as applied to claim 4, and in view of Patent Publication No. 2004/0111251 naming inventors Trimmer et al. ("Trimmer '51"). Claims 10-12, 15-18, 21-24, 27-30, and 33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Trimmer '39 in view of Trimmer '51. Claims 13-14, 19-20, 25-26, and 31-32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Trimmer '39; incorporated by reference Trimmer '11, Trimmer '51 as applied to claims 12, 18, 24, and 30 respectively, and further in view of U.S. Patent Publication No. 2004/0078639 naming inventors Anna et al. ("Anna"). These claims are patentable over the cited art for at least the foregoing reasons presented above with respect to claim 1.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on February 26, 2007.

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